

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

\_\_\_\_\_  
No. 11-50776  
USDC No. 5:01-CR-138-1-OLG  
\_\_\_\_\_

**FILED**

JUL 19 2012

UNITED STATES OF AMERICA,

Plaintiff-Appellee

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY                      DEPUTY

v.

BERNEL RUIZ,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Western District of Texas  
\_\_\_\_\_

**O R D E R:**

Bernel Ruiz, federal prisoner # 63023-080, moves this court for leave to proceed in forma pauperis (IFP) on appeal from the dismissal of his 28 U.S.C. § 1651(a) petition for a writ of coram nobis. The magistrate judge denied him leave to proceed IFP on appeal, certifying that the appeal was not taken in good faith. However, the district court has not entered an order adopting the magistrate judge's IFP certification.

Accordingly, the case is REMANDED to the district court for the limited purpose of reviewing the magistrate judge's denial of IFP status and entering an appropriate order. See *Donaldson v. Ducote*, 373 F.3d 622, 624-25 (5th Cir. 2004). The clerk of the district court shall supplement the record on appeal with a certified copy of that order. If the district court rules that Ruiz may not

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proceed IFP, his existing motion will be treated as applicable to the district court's order.

/s/ James L. Dennis

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JAMES L. DENNIS  
UNITED STATES CIRCUIT JUDGE

A true copy  
Mark

Chief, U. S. Court of Appeals, Fifth Circuit

By

Deputy

New Orleans, Louisiana

JUL 16 2012